IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF FEBRUARY
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

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**WRIT PETITION NO : 17022 of 1995**

**Between:**

B.Venkata Subba Reddy S/o.Late Ramana Reddy
R/o.24-II/132 Shanthi Nagar
Nellore Town, Nellore District. **..... PETITIONER**

**AND**

1 The Revenue Divisional Officer and Sub-Collector
Gudur, Nellore District
2 The Land Reforms Tribunal,
Nellore.
3 The Mandal Revenue Officer,
Gudur, Nellore District. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction one in the nature of writ of Mandamus declaring the order passed by the 1st Respondent in Form No.9 dt.15-7-95 directing the petitioner to surrender Ac.5-47 cents of dry land in Sy.No.1228/1 of East Gudur Village, Gudur Mandal, Nellore District as illegal, arbitrary, without jurisdiction and violative of the principles of natural justice and also the order passed by the R2 in C.C.No.322/GDR/75 dt:18-2-95

**Counsel for the Petitioner: MR.P.SRIDHAR REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following :**

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**ORDER:**

Petitioner has challenged order passed by the first respondent dated 15-7-1995, by which he has been directed to surrender Ac.5-47 cents of dry land in S.No.1228/1 of East Gudur village, Gudur Mandal, Nellore District. He states that before the order was passed, no notice was served on him. Petitioner's father was the landholder and he had filed a declaration and according to the respondents a notice was given to him on 25-11-1994. Petitioner contends that his father had died on 7-9-1978. This fact has not been disputed by the respondents, and at no point of time, notice has been issued to the petitioner. A notice issued in the name of the petitioner's father in 1994 is of no consequence, as the father of the petitioner had died in the year 1978. The petitioner even otherwise is not averse to surrender of land. He only wants to surrender another piece of land measuring Ac.5-47 cents than the piece of land, which he has been asked to surrender.

In these circumstances, I allow the writ petition, set aside the impugned order, and direct the respondents to consider the request of the petitioner to take the land proposed by him for surrender. In this connection, he may also file a fresh request before the respondents within two weeks.

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**2nd December, 2004**

**Note:**

**Issue CC**

**within one week.**

**B/o**

**LUR**

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Thursday, the Second day of December, Two Thousand and Four

Copy to:

1 The Revenue Divisional Officer and Sub-Collector
Gudur, Nellore District
2 The Land Reforms Tribunal,
Nellore.
3 The Mandal Revenue Officer,
Gudur, Nellore District.

4 Two CCs to the G.P. for Revenue,

High Court Buildings,

High Court of A.P., Hyderabad (O.U.T.)

5 Two CD copies.

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